

This is the start of a new probe into mysteries arising out of the 2010 Alaska Senate Campaign which, but for the Fuglvog Scandal --an investigation stalled, buried, and botched by the National Oceanic and Atmospheric Agency (NOAA)—most likely would have ousted Senator Lisa Murkowski.



Arne Fuglvog one year into his job as Fisheries Assistant to Senator Lisa Murkowski. She never fired him even though he admitted to officials in 2009 that he had habitually broke fisheries law. He resigned his job with Murkowski in August, 2011, after striking a plea deal more than two years after a grand jury considered his case in 2009 and three months after she claimed to have first learned of his plea.

Picture Credit: Juneau Empire

2007

## Keep in Mind These Questions

- Why did the press --which swarmed into Alaska from Los Angeles, New York, and Europe looking for any nit to pick-- ignore a tawdry story about Senator Murkowski's fisheries aide, Arne Fuglvog, that would have changed the outcome of the 2010 election.
- In 2010, why did the media miss digging into widespread rumors about a story that would have made headlines showing why Fuglvog in July, 2009 withdrew his quest to be the top administrator of the National Marine Fisheries Service (NMFS) after pursuing the spot for only three and a half months? (*Documents I obtained under the Freedom of Information Act after filing suit against NOAA show, for the first time, that contrary to Fuglvog's reasons for withdrawing from the race (he claimed the process was taking too long)— he withdrew his quest for the leadership slot in the NMFS immediately after he learned NOAA obtained evidence that could have convicted him on federal offenses; namely, someone turned in his fishing log books showing he had lied repeatedly on official documents submitted to NOAA.*)
- Who or what organizations pushed Fuglvog to seek the top NMFS job and how would they benefit if he took the helm?
- Did NOAA botch or cover up 2007 complaints made about Fuglvog's illegal commercial fishing?
  - In 2011, why, after he publicly admitted to crimes, did NOAA officials stonewall on what and when they knew about his crimes.
  - In 2009 or afterwards, did NOAA exchange information with the White House, Senator Murkowski, or any other member of Congress and if not, why not? If NOAA exchanged information, did the White House, Senator Murkowski, or Congress take appropriate action to expose Fuglvog in 2009 or 2010? If not, why not?

**The NOAA Oversight Project** will uncover and make public all the issues surrounding the Fuglvog Scandal, Catch Shares, and other national fisheries issues.

Six years after NOAA was forced to pursue Fuglvog, after over a dozen FOIAs to NOAA (many still outstanding) and a law suite filed to compel production, I can start to answer some of these questions.

Before discussing some of the information I've obtained under FOIAs from NOAA, I want you to remember that the back story involves the mainstream media asleep at the wheel (or beholden to editors acting as gate keepers who have no appetite to dog a story that could jeopardize a sitting Alaska Senate seat).

This story arises in a federal agency in disarray, subjected to strong manipulation by US Senators and their lackeys within the agency, and so committed to promoting its Catch Shares Program (reducing fleet size as a way to manage fish catches and enrich the big boys) that its golden boy, Fuglvog, escaped outing for federal fisheries crimes he had committed for over half a decade, before and after he was appointed by Frank Murkowski, to sit (as a Board Member of a regional fisheries management council . Starting in 2006 when he became the Senate's foremost fisheries aide to Lisa Murkoswi, Frank's daughter, Fuglvog sold the program to policy makers and fishermen around the country.

[Updates

September 11<sup>th</sup>, 2015, I posted a small but revealing part of the story— emails recently obtained from NOAA which show how NOAA reacted on August 4<sup>th</sup>, 2011, a few days after the US Attorney filed charges against Fuglvog.

September 18<sup>th</sup>, I added the names of Fuglvog's supporters who sent letters to NOAA urging his appointment to the top job at the NMFS including the dates in 2009 when they did so. These details that I am revealing have remained hidden in NOAA's files, some for six years.

September 18<sup>th</sup>, 2015: NOAA released three FOIA Requests I made near the start of the year. These documents were released about six weeks after I filed a lawsuit to get them and other FOIAs are still outstanding].

December 21<sup>st</sup>, 2015, NOAA released 19 pages concerning Monica Medina. One email shows Monica Medina had a private email account in April

2009 which Fuglvog used to communicate with her about a strategy for getting support for his run for the head of NMFS. Conducting public business on private email accounts we have learned in the cases of Hillary Clinton, Ashton Carter, and other officials is forbidden under federal law. Perhaps I am not getting more communications of Medina because most of them were on her private account and these were not archived by NOAA?

December 21st, 2015 NOAA placed in the US mail 2641 pages of the investigative file on Fuglvog, the second installment since I filed the lawsuit. A month earlier, they released about the same number of pages. More releases are scheduled. Without the lawsuit, I'm guessing it would be Christmas 2020 before I would have gotten this information.

## **The Rise and Fall of Fuglvog**

### **Background and Connections**

In 2009, a clamor for Fuglvog to be prosecuted arose when those who knew of his crimes learned he was a candidate to be the head of the NMFS. Complaints to NOAA's Office of Law Enforcement (OLE) began in May, 2009, but as well, and significantly, were also made in 2007 when NOAA botched and buried investigations into the 2007 complaints.

The 2009 complaints occurred around the same time that his supporters in the fishing industry and Congress were inundating Jane Lubchenco, the new head of NOAA, with letters of recommendation to make him chief of the NMFS.

Thanks to an April, 2009 email, we now know Fuglvog was seeking a private meeting with Medina who was to coach him, apparently, on whom to solicit letters of support from the industry and Congress. Since Fuglvog wrote to her private email account on AOL, I'm not sure whether NOAA has Medina's replies to Fuglvog's repeated requests for help. FOIA allows the person who created the document to decide if it should be archived by NOAA and if it is deleted on a private account, no one is the wiser.

This exchange takes on added significance when we remember that the anti Catch Share choice was a scientist whom the records so far show was not being coached for support by Medina. It adds weight to claims I have heard that Fuglvog was Lubchenco's choice and Rothschild's short interview was just window dressing to appease the East Coast horde backing him.

Further evidence of stonewalling is the failure of NOAA to give me Medina's scheduling calendar showing whom she met and when she met them. Perhaps that too resides on private account or server. In response for Medina's calendar, NOAA provided Jane Lubchenco's (without attachments). We shall see.

Obviously, Fuglvog who is not a scientist, was her first choice over the well regarded marine scientist, Professor Brian Rothschild. Many of my sources believe that the EDF, which promoted Lubchenco's career, was a main force behind the push to make Fuglvog the administrator of our nation's fish research and resources.

In 2009, NOAA's Office of Law Enforcement itself was in hot water, thanks to East Coast pressure. Its Director, Dale Jones, would be caught by the Office of Inspector General (OIG) ordering case files destroyed while OIG investigated. NOAA has yet to reveal whether Jones destroyed Fuglvog related criminal files. NOAA could neither confirm nor deny aspects of this. I have learned an Inspector General computer in the Denver Office charged with investigating the Fuglvog affair crashed which may have contained relevant information. Obfuscation can take many forms.

Alaska's OLE office, it appears, had totally botched 2007 crew complaints against Fuglvog and some would say it covered them up. In late April, 2009 some crew again contacted OLE. Sensing more inaction from OLE, the complainants then contacted the FBI and the Inspector General.

By June, 2009, amazingly, OLE agents in Alaska were zealously conducting interviews concerning Fuglvog. Funny what happens when you go to the FBI. It wasn't long before a fish log was seized and then the boat's computer showing GPS positions. NOAA notified Fuglvog, FOIA information reveals, of its investigation on June 24th. Once the evidence was seized, he knew his goose was cooked.

But Fuglvog had discovered the investigation weeks earlier, indicating someone in NOAA may have warned him. NOAA has not yet responded to FOIAs that may clarify this all important issue. I have evidence that will also clarify, but want to see how it fits with NOAA's ability to answer my request.

After 2009, over two years passed until Fuglvog's prosecution became public August 1, 2011 and another half year elapsed before he went to jail. Meanwhile, he continued to work on fisheries issues while on Senator Lisa Murkowski's staff, no news of his crimes leaked in 2010 to affect the tough reelection fight for the Alaska Senate seat, and NOAA escaped scrutiny for not prosecuting him for years after the 2007 complaints were made.

## **Fuglvog's Rise to Power**

Fuglvog did not get where he was because he was a ladies man or a nice guy—though he was both:

- Fuglvog was room mates with Alaska fisherman Bobby Thorstenson Jr. who supposedly inherited a lot of Icicle Seafood stock from his father, the founder of Icicle Seafoods.
- Fuglvog's dad held one of the largest blocks of stock in Icicle Seafoods.
- Fuglvog got appointed by Lisa Murkowski's father, the Governor of Alaska, to the North Pacific Management Council (NPFMC) which allocates some of Alaska's billion dollar a year stocks of fish that are not salmon or herring.
- One of his votes on the North Pacific Fisheries Management Council was key to benefiting Icicle and a couple of other mega players in Alaska fisheries.
- Subsequently Icicle, which had been on the block for a long time, sold for about 80 million dollars, according to one of my sources.

- We'll never know how much his votes raised the value of the company. He never disclosed to NOAA, nor was he required to disclose, his father's interest in the company.
- His policy for promoting Catch Shares was in line with organizations funded by Sam Walton (the Wall Mart Sam) or Pew Trusts, such as the Environmental Defense Fund (EDF), Eco Trust, and Sea Web.
- In 2008, EDF funded a seminar for members of the many regional Fishery Management Councils under NOAA by giving several hundred thousand dollars through Stanford University to the Woods Foundation. The latter two refuse to answer questions about the money which paid for Fishery Council Members to attend. A NOAA memo raised the question of whether bribery was involved. (I will examine this issue later).
- At the California event, Fuglvog, by then Murkowski's fisheries aide, conducted a day long explanation of Catch Shares that was the best attended of all the items on the agenda. Having passed his audition in California with flying colors, Fuglvog got a green light for his next career move—to take over NMFS.
- Lubchenco long favored The Aldo Leopold Leadership Project, while she was a long time EDF trustee, and it received \$2.1 million in funding from the Packard Foundation of Palo Alto.
- After being confirmed by the Senate, in March, 2009, Lubchenco had to replace the acting leader of NMFS, a Phd scientist named Balsiger who was also Fuglvog's friend. In April, Fuglvog applied for the job. She favored Fuglvog – who had no scientific background in fish management – over an East Coast fisheries scientist of national stature, Dr Brian Rothschild, according to an inside source.

In May, 2009, Fuglvog was on the brink of claiming the the NMFS prize position. Support peaked in late May just as unfriendly forces were about to dash all his dreams, for as the Bard says, “false hope lingers in extremity.”

## **NOAA Stonewalled and Stalled**

## 2007 Cover Up 2009 Political Cover

In 2007, NOAA's Office of Law Enforcement (OLE) investigated and then dropped, some sources say covered up, several complaints about Fuglvog's long standing illegal activities, but in 2009 when OLE again stalled a new investigation, the FBI, Inspector General, Congressmen, and finally the White House were contacted. Finally a vigorous investigation began in earnest.

Some political motives for stalling the investigation and stone-walling the release of information about his guilt for two years are obvious, others are obscure. Fuglvog was picked for the NMFS directorship for his skill in advocating for Catch Shares - an objective he shared with Jane Lubchenco - and also because it is believed, under Senator Murkowski, he was a player in clearing the way for Shell Oil to drill in the Arctic.

Was NOAA's stalling and lethargy in pursuing him politically motivated? A partial answer emerges by reviewing the sequence of political support he received during the spring of 2009.

- Fuglvog became a candidate for the NMFS directorship on April 9<sup>th</sup>, 2009 (weeks after the Senate confirmed Jane Lubchenco to be head of NOAA on March 19<sup>th</sup>). But no sooner did Fuglvog throw his hat in the ring than a former crewman complained to NOAA on April 27 about Fuglvog's misdeeds as a fishing captain.
- April 9<sup>th</sup>, letters of recommendation began pouring in from the EDF Senators, including Murkowski and Murray, and fishing companies
- May 6<sup>th</sup> **David Benton of the *Marine Conservation Alliance*** wrote a letter recommending Fuglvog addressed to Lubchenco (from # 80022772 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015 )
- **May 8<sup>th</sup> Gregg Block, *Wild Salmon Center***, supported Fuglvog in his letter to Lubchenco (#80022849 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015 )
- May 8<sup>th</sup>, **Ben Landry, *Omega Protein***, wrote Lubchenco to support Fuglvog (#80022954 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015 )



- **May 8<sup>th</sup>, Glen Brooks, *Gulf Fisherman's Association*** wrote Lubchenco to support Fuglvog . (**#80022957 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015** )
- May 11<sup>th</sup>, **Keith Criddle, *University of Alaska***, Fairbanks, wrote Lubchenco to support Fuglvog ( **# 80023002Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015** )
- May 11<sup>th</sup>, **Shirley Marquardt, *City of Unakleet***, Alaska, wrote Lubchenco to support Fuglvog. ( **# 80023003 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015**)
- May 18<sup>th</sup>, CONGRESSIONAL Recommendations came from
  - **Representative Mike Thompson,**
  - **President Bob Dickinson,**
  - **Representatives Robert Wittman,**
  - **Brian Baird,**
  - **Chairman Don Young,**
  - **Representative Frank LoBiondo,**
  - **Co-Chair Representative Sam Farr,**
  - **Representative Walter Jones,**
  - **Representative Jay Inslee,**
  - **Representative David Wu** (NOAA Congressional Correspondence Log #80023162, FOIA released September 18<sup>th</sup>, 2009
- May 18<sup>th</sup>,another letter of recommendation for Fuglvog arrived at NOAA signed by
  - **Senator Mel Martinez,**

- **Senator (Texas) Kay Bailey Hutchison,**
  - **Chairman Mark Begich,**
  - **Chair Senator Mary Landrieu,**
  - **Senator Bill Nelson.** ((NOAA Congressional Correspondence Log # 80023163) FOIA released September 18<sup>th</sup>, 2009
- May 19<sup>th</sup>, **Margaret Williams, *World Wildlife Fund*,** wrote Lubchenco to recommend Fuglvog. ( #80023088 , **Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015**)
  - May 19<sup>th</sup> **Ed Backus, *EcoTrust*,**wrote Lubchenco to recommend Fuglvog. ( **80023092 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015 )**
  - May 19<sup>th</sup>, **Mark Vinsel and Joe Childers, *United Fisherman of Alaska*,** wrote Lubchenco to recommend Fuglvog. ( **80023090 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015**)
  - May, 19<sup>th</sup> **TJ Tate, *Gulf of Mexico Reef Fish Shareholders' Alliance*,** wrote Lubchenco to recommend Fuglvog. (**#80023080, Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015 )**
  - May 19<sup>th</sup>, **Jack Stern Esq., and David Wilmon *Ocean Champions*** wrote Lubchenco to recommend Fuglvog. ( **80023081, Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015**)
  - May 19<sup>th</sup> **Kathy Hanson, *Southeast Alaska Fisherman's Association*,** wrote Lubchenco to recommend Fuglvog . ( **80023082, Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015**)
  - **May 19<sup>th</sup>, Don Giles, *Icicle Seafoods*,**wrote Lubchenco to recommend Fuglvog . ( **#80023084 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015**)

- **May 19<sup>th</sup>, Dorthy Childers, *Alaska Marine Conservation Council*, wrote Lubchenco to recommend Fuglvog . ( #80023085 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015)**
- **May 22<sup>nd</sup>, Dan Castle *Southeast Seiners Association*, wrote Lubchenco to recommend Fuglvog . (#80022948 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015)**
- **June 2<sup>nd</sup>, Chris Zimmer, *Rivers without Borders*, wrote Lubchenco to recommend Fuglvog . (#80023303 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015)**
- **June 3d, Julianne Curry, *Petersburg Vessel Owners Association*, wrote Lubchenco to recommend Fuglvog. (80023328 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015)**
- **June 16<sup>th</sup>, Representative Dave Reichert, wrote Lubchenco to recommend Fuglvog. ( #80023519 80023328 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015)**
- **July 9<sup>th</sup>, maybe the only one in Alaska’s fishing industry who did not now then know Fuglvog was being investigated, Alvin Birch, *Alaska Whitefish Trawlers Association*, wrote Lubchenco to recommend Fuglvog. (#80023086 Lubchenco Correspondence Log FOIA release September 18<sup>th</sup>, 2015)**
- **Powerful forces at this point were backing Fuglvog for a variety of reasons, not least of which was his ability to sell national fish council members on the Catch Share concept of fish management—kinda like fencing in the range in the 1890s out West—demonstrated the year before at a retreat near Stanford University that was bankrolled by EDF money passed through Stanford. Lubchenco, had been an EDF Board Member for ten years and a trustee <https://www.edf.org/news/environmental-defense-fund-honored-board-vice-chair-reportedly-picked-noaa-administrator> <https://www.edf.org/people/board-of-trustees>**

She has recently won EDF's prestigious prize for her work on Catch Shares, while heading NOAA. <https://www.edf.org/media/dr-jane-lubchenco-wins-tyler-prize-environmental-achievement> ).

- On May 22<sup>nd</sup>, Lubchenco announced federal funding of almost \$19 million to implement Catch Shares in New England. More importantly, she announced a National Catch Shares Task Force, comprised of many of NOAA's top brass who, a year and half later, would be controlling information to the press, Congress, and presumably the White House about Fuglvog's criminal behavior.
- With his "friends" and, we believe, former wife, being interviewed in Alaska by OLE in June and July 2009 and a Grand Jury convened on July 21<sup>st</sup>.
- Fuglvog withdrew his name for consideration to be head of the NMFS on the last day of July, the day after he discovered someone had confiscated his vessel fish log. He knew his goose was cooked. So did NOAA.
- Months later, in December 2009, during his first interview with NOAA, Fuglvog admitted it was "common" practice to make misrepresentations in his log book.
- Between the July 2009 Grand Jury, when much evidence against Fuglvog was aired, and August, 2011 the public did not know of Fuglog's guilt— though there were rumors aplenty in Alaska.

Meanwhile, Fuglvog, though his dream took flight, was scot free for two more years to advocate for Catch Shares, while still an aide to a powerful US Senator. Until of course...

## **The Fish Hits the Fan 2011**

*The following is but a sample of what you can expect to read about the Fuglvog Scandal and how it was integral to the Catch Share push from NOAA. To throw the cold light of truth onto this story, I posted emails from high level managers in NOAA after the Fuglvog story broke which I obtained from NOAA under the Freedom of Information Act (FOIA) after I had to file suit to get them.*

*(NOAA had 20 days to comply, it took them about eight months to produce. Some of my requests for information have languished for years).*

On August 4<sup>th</sup>, 2011, *Politico's* August 2nd headline read:

## **Former Murkowski Aide Arne Fuglvog Admits To Breaking Fishing Laws**



Senator Murkowski being asked about Arne Fuglvog 2011.

*Politico* failed to ask the obvious question. What did NOAA know and when did they know it? Instead, *Politico's* story downgraded the crime, calling it a misdemeanor, even though Fuglvog had agreed to pay \$150,000 and go to jail for ten months. At a subsequent hearing, more facts became public. Fuglvog had broken the law multiple times but was being charged with only one instance. Because he was caught red handed, he copped a plea in exchanged for shorter jail time and a smaller fine and agreed to testify against others. Others had been fined hundreds of thousands of dollars and required forfeiture of million dollar boats.

*Politico* made no mention of OLE's Chief who ordered case files shredded, as revealed in a 2010 report by the Office of Inspector General. I have an outstanding FOIA to investigate if Fuglvog's files were shredded. I was informed that after the Inspector General investigated OLE for this outrageous conduct, the computer containing information relevant to my FOIA request crashed. Sound familiar?

Still, NOAA was getting phone calls from reporters who were curious to know why a misdemeanor deserved a 150 grand fine and they caused NOAA's upper management to scramble.

It is not yet clear if this apparent born again concern by upper management as reflected in the following emails was a ruse to conceal prior knowledge of the investigations or only decision making on what to release to the press. It is clear DC was controlling the flow of information carefully. Nor is it yet clear which members of the upper management team had knowledge prior to August 4th. I have yet to get a full Response including all of Lubchenco's emails. I do have a document and sources have confirmed that in June of 2009 she was made aware about allegations against Fuglvog. In a FOIA release, NOAA omitted the red herring email to Lubchenco that I have. It is inconceivable that others on the email list of August 4th were ignorant of Fuglvog's prior acts.

Here's the sequence of events that followed the filing of charges against Fuglvog:

- On August 1<sup>st</sup>, 2011, the US Attorney in Anchorage filed charges against Fuglvog and entered his plea deal into the record.
- August 2<sup>nd</sup>, Senator Murkowski issued a news release announcing his guilt and his resignation from her staff. It was the talk of Washington and fishing communities which were shocked, simply shocked--except those who knew all along.
- August 4<sup>th</sup>, back at NOAA headquarters where all the facts were becoming known or well known, frenzied exchanges t occurred between alarmed officials, keeping Lubchenco out of the loop, which utterly belies the “misdemeanor” story-line *Politico* was pushing.
- August 5<sup>th</sup>, Murkowski announced through her Press Secretary, that she knew in late June of the plea deal. She knew he faced some violation, she claimed, back in December, 2010 - right after her reelection. (We are researching to discover if the delay in Fuglvog’s firing qualified him for a pension from the Senate.)

The cast of Lubchenco’s top NOAA management team on August 4th, engaged in media containment included the following:

- **Monica Medina**, Principal Deputy Undersecretary for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration She led the **Catch Share Task Force** that Lubchenco announced in May and appointed in June 2009. Her husband, Ron Klaine, was the Ebola Czar, who led the recount effort in Florida for Al Gore. He’s closely connected to the White House through Joe Biden.
- **Lois J. Schiffer**, NOAA General Counsel
- **Margaret Spring**, Chief of Staff, who is now with the Monterey Bay Aquarium near Palo Alto.

- **John Oliver** Deputy Assistant Administrator for Operations, NOAA's Fisheries Service. He is also the Executive Director of the NPFMC. He was a member of the **Catch Share Task Force**. He found the Office of Law Enforcement's Dale Jones was blameless in 2006 even though an Inspector General's Report four years later found the head of OLE shredded case files for four hours while under investigation by the IG. NOAA has not yet turned over documents showing if Jones shredded Fuglvog's case files  
<http://www.savingseafood.org/news/enforcement/nmfs-dep-admn-john-oliver-and-ex-admn-hogarth-knew-of-ole-complaints-four-years-ago/>
- **John Gray**, Director of Legislative Affairs
- **Samuel Rauch**, Fisheries Acting Assistant Administrator, now head. was the author of a 2010 policy paper distributed to all the national fisheries councils called, "NOAA's **Catch Share Policy under Development**" (2010) calling for 15 fisheries limited by 2011 and 31 in coming years. [http://www.fisherycouncils.org/SSCpapers/Catchshares\\_abstract.pdf](http://www.fisherycouncils.org/SSCpapers/Catchshares_abstract.pdf) He administered national fisheries management councils and Fuglvog had sat on the NPFMC. He is a key player in catch shares within the agency. He was a member of the Catch Share Task Force
- **Alan Risenhoover**, Office of Sustainable Fisheries, was the author of a 2010 policy paper distributed to all the national fisheries councils called, "NOAA's **Catch Share Policy under Development**" (2010), calling for 15 fisheries to be limited by 2011 and 31 more in coming years. [http://www.fisherycouncils.org/SSCpapers/Catchshares\\_abstract.pdf](http://www.fisherycouncils.org/SSCpapers/Catchshares_abstract.pdf) He administered national fisheries management councils and Fuglvog had sat on the NPFMC. He is a key player in catch shares within the agency. He was a member of the **Catch Share Task Force**
- **Justin Kenney** Director, NOAA Office of Communications & External Affairs. He was an **ex officio** member of the **Catch Share Task Force**
- **Amanda Hallberg** Office of Legislative Affairs and former Congressional Staffer

On August 4<sup>th</sup>, 2011 between noon and 4:30, a string of emails went out between the individuals on the above list under the subject head:



**CONFIDENTIAL FUGLVOG CASE.**

The flow initially— from the limited records I obtained so far— went to John Oliver, a much over looked play maker, to Monica Medina, Lubchenco's right hand gal whose husband was a key Biden and Gore player.

It is not clear if the first email was sent by Risenhoover prior to 12:08, since the content of that message was not provided to me and the sender is deleted, but the 12:08 email appears to have been sent to John Oliver who managed the day to day of NOAA. Oliver appears to have gotten "info" from Risenhoover. Note that the account Oliver is sending to Medina is blanked out. Was it to her private or NOAA account? Oliver's NOAA account is provided

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**From:** John.Oliver [mailto:John.Oliver@noaa.gov]  
**Sent:** Thursday, August 04, 2011 2:00 PM  
**To:** Monica Medina  
**Subject:** [Fwd: Confidential: Fuglvog Case]

Here is the info I have call me on my cell if you have questions ( [REDACTED] )

----- Original Message -----  
**Subject:** Confidential: Fuglvog Case  
**Date:** Thu, 04 Aug 2011 12:08:55 -0400  
**From:** Alan Risenhoover <Alan.Risenhoover@noaa.gov>

Twenty minutes after Oliver got the "info," Medina forwarded "very sensitive" materials to the following:

- Schiffer, the General Council
- Samuel Rauch, Fisheries Acting Assistant Administrator
- Justin Kenney, Director of NOAA's Office of Communications & External Affairs.
- Amanda Hallberg, Office of Legislative Affairs and former Congressional Staffer
- Justin Kenney, Director of NOAA's Office of Communications & External Affairs

See the 2:23PM email below:

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**From:** Monica Medina [mailto:monica.medina@noaa.gov]  
**Sent:** Thursday, August 04, 2011 2:23 PM  
**To:** 'Lois.Schiffer@noaa.gov'; 'justin.kenney@noaa.gov'; Amanda Hallberg; Samuel Rauch  
**Subject:** FW: [Fwd: Confidential: Fuglvog Case]

OK – very sensitive but here is what NMFS has so far.

Monica Medina  
Principal Deputy Under Secretary  
National Oceanic and Atmospheric Administration  
Department of Commerce  
(202) 482-3567  
[monica.medina@noaa.gov](mailto:monica.medina@noaa.gov)

By about an hour and a half later, it became clear the information sent was “confidential,” because Rausch told the legislative affairs officer Halberg and the others it was so:

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**From:** Samuel Rauch [mailto:Samuel.Rauch@noaa.gov]  
**Sent:** Thursday, August 04, 2011 04:20 PM  
**To:** 'amanda.hallberg@noaa.gov' <amanda.hallberg@noaa.gov>; 'monica.medina@noaa.gov' <monica.medina@noaa.gov>; 'Lois.Schiffer@noaa.gov' <Lois.Schiffer@noaa.gov>; 'justin.kenney@noaa.gov' <justin.kenney@noaa.gov>; 'Samuel.Rauch@noaa.gov' <Samuel.Rauch@noaa.gov>  
**Subject:** Re: [Fwd: Confidential: Fuglvog Case]

We cannot share this confidential info. We can share the dates of his participation on the council.

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**From:** Amanda Hallberg [mailto:amanda.hallberg@noaa.gov]  
**Sent:** Thursday, August 04, 2011 04:03 PM  
**To:** Monica Medina <monica.medina@noaa.gov>; 'Lois.Schiffer@noaa.gov' <Lois.Schiffer@noaa.gov>; 'justin.kenney@noaa.gov' <justin.kenney@noaa.gov>; Amanda Hallberg <amanda.hallberg@noaa.gov>; Samuel Rauch <Samuel.Rauch@noaa.gov>  
**Subject:** RE: [Fwd: Confidential: Fuglvog Case]

Thank you. Can we share with Begich's office when he withdrew his name?

What was the confidential information? Why would someone in fisheries be the one to determine political and legal information was confidential? Note everyone was now using Medina's NOAA account.

NOAA's FOIA Response did not include any of the “info” alluded to, several years after Fuglvog got of jail. NOAA may or may not provide it in the coming weeks. So who is NOAA protecting in 2015 by so far withholding this “info” and will a judge order them to release it? The facts suggest NOAA is stonewalling to protect itself from the prying eyes of the pesky public.

Did the “info” include the results of the criminal investigation or did the Management Team already know about that? Did the details inform them when and to what extent the agency knew Fuglvog was committing crimes say back to 2002? Did the “info” include facts showing Murkowski knew about Fuglvog long before she said she did? Did the White House know and do nothing? Was the 2009 email to Lubcheco about Fuglvog part of the “info” packet? Did other people in Congress know? All inferences can be drawn from a stonewalling agency.

While that exchange about “info” obtained about Fuglvog from John Oliver or the NPFMC was taking place, another exchange was occurring about him between Lubchenco’s Chief of Staff and Lois Schiffer, the General Counsel. But the instruction goes far beyond the letters of recommendation for Fuglvog from US Senators et. al. that are on file. The following emails reflect the team’s “info” was everything NOAA knew about Fuglvog.

The Counsel General of NOAA herself, Schiffer, recommended stonewalling about what NOAA knew.

Ms. Schiffer’s instruction to the publicity officer, Kinney, and the Chief of Staff, Spring, is most disturbing. Schiffer wrote that when talking to the press:

**“I WOULDN’T ANSWER QUESTIONS ABOUT WHAT WE KNEW OR DIDN’T KNOW [ABOUT FUGLVOG’S ILLEGAL ACTIVITIES]”.**

(Email Schiffer to Spring et al 3:36PM EST):

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**From:** Lois Schiffer [mailto:Lois.Schiffer@noaa.gov]  
**Sent:** Wednesday, August 03, 2011 03:36 PM  
**To:** Margaret Spring <margaret.spring@noaa.gov>; Justin Kenney <justin.kenney@noaa.gov>  
**Cc:** Lois Schiffer <Lois.Schiffer@noaa.gov>; John Gray <john.gray@noaa.gov>; Monica Medina <monica.medina@noaa.gov>  
**Subject:** RE: Congressional letter for Arne Fuglvog

Okay- I have not yet succeed in talking to a commerce lawyer, but there cannot be a problem providing public letters—I'd give his withdrawal letter. I would say some version of we were urged to consider him by public letters, and then he withdrew with a public letter. I wouldn't answer questions about what we knew or didn't know. does that work?

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**From:** Margaret Spring [mailto:margaret.spring@noaa.gov]  
**Sent:** Wednesday, August 03, 2011 3:32 PM  
**To:** Justin Kenney  
**Cc:** Lois Schiffer; John Gray; Monica Medina  
**Subject:** FW: Congressional letter for Arne Fuglvog

Here are some of the congressional letters I have on file. I don't know what to do with them but have them.

I also have one from Ecotrust, Southern shrimpers Alliance letters supporting him, as well.

I believe Arne or Sen. Murkowski made a public statement . He made the letter public – see the letter link in the link below.

After five years of effort using FOIA and the courts, NOAA has still not revealed all of what it knew or didn't know and when it knew it. For if it did know Fuglvog was cheating between 2007 (when complaints were made to OLE) and 2011 when news broke of the prosecution, it was going to look like NOAA had held back information that could have changed the course of the 2010 election for Senator in Alaska as well as added weight to the criticism Congress was making that OLE needed major reforms. Why would Lubchneco welcome that kind of news? Why would the White House be happy that its new appointee was in deep muck soon after Senate confirmation?

## Burying a National Story

If NOAA had informed the public about the investigations it conducted on Fuglvog up through 2009—as I had requested before the 2010 vote—instead of waiting until January of the next year), the outcome for Alaska's US Senate Race almost certainly would have been different that year.

For between July, 2009 and November, 2010, NOAA was sitting on enough evidence to throw the book at this aide to Senator Murkowski, including evidence presented to the 2009 Grand Jury and his own 2009 admission, for which he would later serve time in federal jail.

This is but a sampling of what you can expect to read about the inside story about Fuglvog Scandal and how it was integral to the catch share push from NOAA, a story essentially and potentially affecting tens of thousands of lives in fishing communities around the country - and the 2010 Senatorial campaign in Alaska.

It is a complicated story, one that any one of the national outlets could have explored had their budgets not been slashed, their reporters demoralized, and their editors cowered, as Sharyl Attkisson has recently shown in Stone Walled (2014).

Instead, except for a few right wing web sites, and one thorough story by Libby Casey on Alaska Public Radio, the story got buried. A few reporters had their FOIAs delayed or incompletely answered and then they were on to hotter topics. After all, Mitch McConnell's gal won the Senate Race.

Unless the lame stream press latches on to this story, I hope to unwind more of this story as NOAA, excruciatingly slow, produces more information requested under the FOIAs and the Federal Court System. Stay tuned.

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*P.S. Up date 12/27/15 NOAA has still not released over 13,000 pages of the investigative files I requested years ago and to which I am entitled to under the FOIA. Five months after the lawsuit was filed in 2015, I now have about 5,000 pages. The quest for documents continues.*